

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

April 22, 2010

Lyle W. Cayce
Clerk

No. 09-60658

Summary Calendar

CARLA MARIANA ORTEGA MARTINEZ,

Petitioner

v.

ERIC H. HOLDER, JR., U. S. ATTORNEY GENERAL,

Respondent

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A096 747 217

Before KING, STEWART, and HAYNES, Circuit Judges.

PER CURIAM:*

Carla Mariana Ortega Martinez (Ortega), a native and citizen of Mexico, has filed a petition for review of the order of the Board of Immigration Appeals (BIA) dismissing her appeal of the immigration judge's denial of her motion to reopen removal proceedings. Ortega argues that the BIA abused its discretion and violated her due process rights by dismissing her appeal from the immigration judge's denial of her motion to reopen because her claim of

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

ineffective assistance of counsel was meritorious. The Respondent has moved for summary affirmance.

The immigration judge and the BIA both ruled that Ortega's motion to reopen was barred because she had departed the United States before the motion to reopen was filed. Ortega does not address this issue and, thus, has abandoned the only issue properly before this court. *See Soadjede v. Ashcroft*, 324 F.3d 830, 833 (5th Cir. 2003).

PETITION FOR REVIEW DENIED; MOTION FOR SUMMARY AFFIRMANCE GRANTED.